

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE PALEO et al.,

Defendants.

CASE NO. 2:22-cr-00180-LK

ORDER GRANTING MOTION TO
CONTINUE TRIAL DATE

This matter comes before the Court on the unopposed motion by Defendant Jose Paleo to continue the trial date to May 8, 2023—the same trial date as seven earlier-arraigned Defendants in this case. Dkt. No. 123 at 1. Mr. Paleo also seeks to continue the pretrial motions deadline accordingly. *Id.* On December 5, 2022, the Court granted the unopposed request by Defendants Glauco Guardado Rodriguez, Araceli Salas, Maria Rangel Aguilar, Miguel Thomas, Ryan Holmquist, Tad Fulton, and Timothy Hursh, to continue the trial date to May 8, 2023, and to continue the pretrial motions deadline to March 23, 2023. Dkt. No. 108 at 3.

On October 19, 2022, a grand jury returned an indictment charging Mr. Paleo and nine co-defendants with several counts related to a conspiracy to distribute controlled substances. Dkt.

1 No. 1. Mr. Paleo is charged with Conspiracy to Distribute Controlled Substances under 21 U.S.C.
2 §§ 841(a)(1) and 846; Possession of Controlled Substances with Intent to Distribute under 21
3 U.S.C. §§ 841(a)(1), (b)(1)(A), (b)(1)(B), and 18 U.S.C. § 2; and Conspiracy to Commit Money
4 Laundering under 18 U.S.C. § 1956. *Id.* at 1–5. On December 29, 2022, Mr. Paleo pleaded not
5 guilty to the charges against him, and was scheduled to be tried before a jury on February 27, 2023.
6 Dkt. No. 114. A trial date has not yet been set for Defendants Octavio Guzman and Ryan Terry.

7 Counsel for Mr. Paleo seeks to continue the trial date to May 8, 2023, because counsel will
8 need additional time to review the “voluminous” discovery in this case, and because Mr. Paleo “is
9 joined in the indictment with his nine co-defendants where trial is currently set for May 8, 2023.”
10 Dkt. No. 123 at 2. Counsel notes that “6,000 pages of documents as well as numerous video and
11 audio recordings” are anticipated as part of discovery, and that “Russell Aoki has been appointed
12 as discovery coordinator.” *Id.* Based on these facts, counsel states that “[t]he requested extension
13 of time is necessary to provide adequate and effective representation,” and that “[t]he parties agree
14 that proceeding with the current trial and motions dates would result in a miscarriage of justice.”
15 *Id.* The requested continuance “takes into account that no motion to sever has been granted and all
16 defendants should be tried jointly.” *Id.* No party has filed a motion to sever.

17 Mr. Paleo has filed a waiver under the Speedy Trial Act, waiving his right to a speedy trial
18 through May 29, 2023. Dkt. No. 123-1. The non-appearing Defendants—Mr. Guzman and Mr.
19 Terry—have not responded to the motion or filed waivers.

20 Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by
21 granting a continuance outweigh the best interest of the public and the Defendant in any speedier
22 trial. Specifically, the Court finds that failure to grant the requested continuance would likely result
23 in a miscarriage of justice and would deny defense counsel the reasonable time necessary for
24 effective preparation, taking into account the exercise of due diligence, due to counsel’s need for

1 more time to review discovery, consider pretrial motions and defenses, consult with their client
2 who recently arrived in this jurisdiction and is joined in the indictment with several co-defendants,
3 and prepare for trial. *See* 18 U.S.C. § 3161(h)(6), (7)(B)(i), (iv). This is especially true here, where
4 there are ten different defendants alleged to have been involved in a drug trafficking and/or money
5 laundering conspiracy and voluminous discovery is expected, involving thousands of documents.
6 Dkt. No. 123 at 2. The Court finds that the additional time requested is a reasonable period of delay
7 and will be necessary to provide counsel and Mr. Paleo reasonable time to accomplish the above
8 tasks. The Court also notes that no motion to sever has been filed or granted.

9 For these reasons, the Court GRANTS the motion, and ORDERS that trial shall be
10 continued from February 27, 2023 to May 8, 2023, and pretrial motions are due no later than March
11 23, 2023. It is further ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B), the period
12 of delay from the original February 27, 2023 trial date to the new trial date is EXCLUDED when
13 computing the time within which Defendant's trial must commence under the Speedy Trial Act.

14 Dated this 20th day of January, 2023.

15 

16 Lauren King
17 United States District Judge
18
19
20
21
22
23
24